

Iowa League of Cities

2009 CITY CANDIDATE'S GUIDE

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Dear Prospective Candidate:

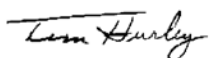
The opportunity to run for political office is a privilege we enjoy in our society. Citizens are fortunate that so many good people offer their time and talents for public service.

However, the requirements for conducting a political campaign, whether in a big city or in a small one, can sometimes seem confusing. This guide is intended to explain those requirements in plain language to alleviate confusion and make compliance much easier. This should allow you, the prospective candidate, to concentrate on issues important to your community.

A second purpose of this guide is to let you know that there are resources available to answer questions and provide assistance in complying with Iowa law regarding campaigns, elections, and holding public office. Iowans value good, clean government, and a sound election process is the foundation of democracy.

If you decide to throw your hat into the ring, we offer our best wishes for your campaign.

Sincerely,



Tim Hurley
President
Iowa League of Cities



W. Charles Smithson
Executive Director
Ethics & Campaign
Disclosure Board



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Actions taken during the 2009 legislative session of the Iowa General Assembly may impact the content of this guide. For any questions regarding possible changes, contact the League at (515) 244-7282 or IECB at (515) 281-4028. Your city clerk or county auditor may also be able to answer your questions.

Election Issues

Eligibility

To hold office in a city, a candidate must be an eligible elector. To be an eligible elector, the candidate must meet the same qualifications required to vote and be a resident of the city he or she plans to serve. If running for a council seat representing a specific ward of the city, the candidate must be a resident of that ward.

Election Process

City elections in Iowa are held in odd-numbered years. Elected city officials serve either two- or four-year terms. If no term is specified, it is two years. The regular city election is held the first Tuesday in November.

There are four methods for placing a name on the ballot for a city election:

- (1) nomination by convention
- (2) nomination by petition
- (3) nomination by petition with a runoff
- (4) nomination by petition with a primary election.

Candidates can find out which method is used by their city when obtaining nomination papers from the city clerk's office. Additionally, Iowa law allows individuals to be elected to city office via a write-in vote. An election guide specific to each city's election process can be obtained from the Iowa Secretary of State's (SOS) office by calling (515) 281-0145 or online at www.sos.state.ia.us.



All candidates must complete and submit an Affidavit of Candidacy with their nomination papers. This affidavit is a written form that includes the office being sought and the candidate's signature witnessed by a notary public. The candidate also needs to state that he or she is an eligible elector. Circumstances making a candidate ineligible are felony convictions and mental instability.

A candidate can withdraw a nomination by filing a request with the city clerk. In addition, individuals may protest a candidate's nomination papers or eligibility by filing a written objection with the city clerk. Deadlines vary depending on the method of election and can be found in the SOS election guide or by contacting the city clerk.

After the election, citizens have 10 days to contest the election or request a recount. Runoff elections are held four weeks after the regular city election for seats in which no one received the majority of the votes cast for that office. The term of office for newly elected officials begins at noon on the first day of January that is not a Sunday or legal holiday.

Campaign Issues

Iowa Ethics and Campaign Disclosure Board

Candidates must comply with Code of Iowa Chapter 68A that contains the campaign regulations enforced by the Iowa Ethics and Campaign Disclosure Board. The board is an independent state agency that enforces the laws related to activities of political candidates. Other statutes concerning the board are found in Code Chapter 68B.

Campaign Finance Disclosure

If a candidate receives contributions, makes expenditures, or incurs debt in excess of \$750, a committee must be organized and a statement of organization (form DR-1) must be filed with the board within 10 days after the

\$750 threshold is reached. The candidate is then responsible for filing campaign disclosure reports (DR-2 and appropriate schedules) on or before the due dates in Code Section 68A.402(3). It is important to file the report on or before the due date as civil and criminal penalties may be imposed for late-filed reports. The reports disclose campaign money and other items donated or spent by the candidate.

Common Campaign Violations to Avoid

1. A candidate cannot accept contributions or use the resources of any corporation, bank, savings and loan, credit union, or insurance company (Code Section 68A.503). However, a candidate may purchase a good or service from a corporation at fair market value.
2. A candidate must attribute the source on any printed political advertising. If a candidate has registered a committee by filing the Statement of Organization, he or she only needs to include the words "paid for by" and the name of the committee. However, if a committee has not yet registered or if a Form DR-SFA has not been filed, the attribution must include the candidate's full name and address (*Code* Section 68A.405). The attribution must appear on all political advertising including newspaper advertisements, billboards, brochures, letters, posters and Web sites. Yard signs placed in a residential yard that are 32 square feet or less are exempt. Items too small to include the attribution, such as buttons or pens, are also exempt.
3. A candidate must make sure that campaign signs are not placed on corporate property or any governmental property including the public right-of-way between the sidewalk and the curb.



4. A candidate may only use campaign funds for campaign purposes, expenses of holding office, or for constituency services. Campaign funds may not be used for personal benefit or for the benefit of any other candidate's campaign (*Code Sections 68A.301-68A.304*).

Assistance

Campaign finance laws, rules, advisory opinions, blank forms, brochures and other useful information may be obtained on the board's web site at www.iowa.gov/ethics. Call the board at (515) 281-4028 with questions or concerns about a campaign finance issue.

City Government in Iowa

Federal laws govern the United States as a whole. State laws only apply within the state. City laws, in the form of ordinances, govern the city and only apply within its boundaries. City laws cannot conflict with federal or state laws. *See Figure 1.*

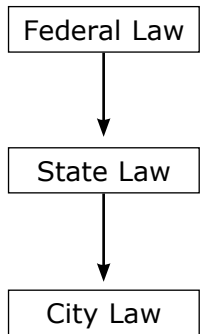


Figure 1: City laws do not supersede state or federal laws.

Home Rule

In 1968, Iowa voters passed an amendment to the Iowa Constitution commonly called the Home Rule Amendment. This gave cities the authority to decide what is best for their community. This authority comes with two exceptions. Cities are unable to levy any tax unless specifically authorized by the Iowa General Assembly and they are unable to enact any laws inconsistent with laws of the General Assembly.

Forms of Government

There are six forms of government under which cities can incorporate in Iowa. The vast majority (over 97 percent) of cities use the Mayor-Council form of government. This form has a mayor elected at-large and, typically, five council members elected at-large or by ward. The city may also create a professional city manager/administrator position to perform administrative duties for the city. Other forms of local government include: council-manager-at-large, council-manager-ward, commission, home rule charter and special charter. Candidates should contact their city clerk to determine the form of government their city has and refer to *Code of Iowa*, Chapter 372. For more detailed information on city government, consult the *Municipal Policy Leaders' Handbook: A Guide for Iowa Mayors and Council Members*, offered by the University of Iowa's Institute of Public Affairs at (319) 335-4520.

City Budget Overview

City Expenditures

Cities in Iowa have numerous responsibilities and provide many types of services to citizens. *Figure 2* shows examples of city services and expenditures.

Culture & Recreation

libraries, pools, parks, recreational programs

Utilities & Services

water, sewer, gas, electric, cable T.V., stormwater

Public Works

snow removal, garbage collection, street & sidewalk maintenance

Public Safety

police, fire, emergency management, animal control

Community/Economic Development

planning & zoning, community beautification

Figure 2: Cities are responsible for a variety of functions.



City Revenue Sources

To provide these services, cities must collect revenue. Taxes, especially property taxes, are a large part of a city's revenue. Additionally, many cities have adopted a local option sales tax. Other sources of revenue include fees, fines and licenses and enterprise funds such as municipal utility operations. See *Figure 3*.

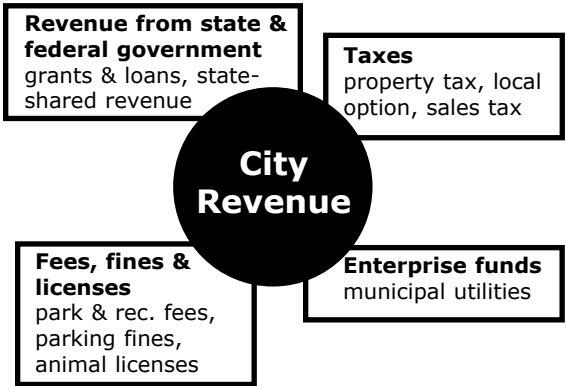


Figure 3: Cities have limited ways to collect revenue.

Debt

Cities can incur debt to fund major projects. They may issue general obligation bonds, which are bonds to be repaid with property taxes.

Depending on the project and the amount of debt, a city may need to hold an election to have voters decide on the issuance of debt. Cities may also incur debt through loan agreements or revenue bonds. Revenue bonds are repaid by an income-generating enterprise activity, such as a utility.

Policy Makers

Candidates should review their city's ordinances or laws addressing the duties of the mayor and council. Although roles and responsibilities vary from city to city, some commonalities exist.

Citizens elect a mayor and council to represent them and act on their behalf in local policy matters. This action takes place mostly through council meetings. Each city selects a time, date and place for its regular council meeting. Some councils meet monthly, others more often. Cities must give notice of each meeting by posting an agenda at least 24 hours before the meeting occurs.

Many councils have certain parliamentary procedures for their meetings that deal with the process for making motions and voting. In order to conduct any business at a meeting, a majority of council members, or a quorum, must be present.

Some councils set aside time in their meeting agendas to receive citizens' comments. By state law, certain issues require an opportunity for citizens to speak to that issue. This required meeting is called a public hearing. A common example is the requirement to hold a public hearing each year before the council approves the city budget.

The mayor and council are expected to receive input from citizens and carry out a policy in the city's best interests. Both mayor and council also serve an important role in state and federal legislative matters. They have a powerful voice on behalf of their constituents and local governments before the state legislature and Congress. It is important for local officials to visit with state and federal lawmakers, not only when specific concerns surface, but on a regular basis.



Council

The authority of the city resides in the city council. The council votes on and passes motions, resolutions and ordinances. Resolutions are statements of policy and ordinances are the laws of the city. The votes of each council member are recorded in the minutes of the meeting.

The council also approves expenditures and the budget, contracts, city policies and zoning changes.

Mayor

The mayor is the chief executive officer of the city and presides over council meetings. This means the mayor manages the meetings and maintains order. In cities without a city administrator/manager, the mayor also typically supervises city staff. In most cities, the mayor cannot vote on items before the council, but can veto an ordinance or resolution of the council.

Boards and Commissions

Cities often have a variety of boards and commissions. The powers and duties of the board should be spelled out by ordinance. These groups deal with specific issue areas and make reports to the council. Some examples include:

- Library Board of Trustees
- Parks and Recreation Board
- Board of Adjustment
- Planning and Zoning Commission

City Staff

All cities have a city clerk. Many clerk responsibilities are set by the Code of Iowa and include publishing/posting council minutes and keeping the city's official records. Some cities also have city managers/administrators who supervise city departments and deal with the day-to-day administration of the city. Cities may also have a treasurer or finance officer who handles the city budget and cash flow. Each city also appoints a city attorney to provide legal advice.

The number of departments and staff vary depending on the size of the city. Cities may have a police force, firefighters, a public works department, a street crew, utility workers, a parks and recreation department and others.

Legal Issues

Open Meetings

The Iowa Open Meetings Law is found in *Code of Iowa* Chapter 21. This law states that all meetings held by a governmental body must be open to the public. The law favors openness and a council can close a meeting, or deny public access, only for specific reasons prescribed by the law.

If unsure whether it is legal to close a meeting, a city should consult its attorney. The *Code* describes a certain process for holding a closed meeting. Individual members of the council can be held personally liable for violations of the open meetings law. The League published a booklet entitled *Open Meetings, Open Government*, which discusses this topic and can be accessed at the League Web site at www.iowaleague.org.

Open Records

Code of Iowa Chapter 22 contains Iowa's Open Records Law. Documents held by a governmental body must be open to the public. The only exceptions are for those documents defined as confidential records within *Code* Chapter 22. Again, the law favors openness and city officials should work with their attorney if unsure whether a requested document is open or confidential. The League also



published a booklet entitled *Open Records, Open Government*, which discusses this topic and can be accessed at the League web site at www.iowaleague.org.

Conflicts of Interest

Code section 68B.2A prohibits a public official from taking outside employment or participating in activities that conflict with the person's official duties and responsibilities. An official doing so has the option to either stop the activity or publicly disclose the conflict and avoid any official action or duty (including participating in a vote before the council) that would benefit the outside employment or activity.

Code Section 362.5 prohibits city officers from having a direct or indirect interest in a city contract, which means a city official cannot do business with the city. There are exceptions to this prohibition, including contracts entered into through an open competitive bid process, contracts for less than \$2,500 per year in cities with a population of 2,500 or less and contracts for less than \$1,500 a year for cities with a population greater than 2,500.

Gift Law

Once in office, *Code* Section 68B.22 describes strict requirements regarding the receipt of gifts by public officials, public employees and their immediate families. Local government employees and elected officials cannot receive gifts from "restricted donors." This includes:

- Those seeking to do business with the city;
- Those engaged in activities regulated by the city; or
- Those that could be directly financially affected by a city official's performance or nonperformance of a task.

There are 19 exceptions to the gift law, including items \$3 or less in value and informational material relevant to a public servant's official functions. It is not appropriate for an elected official to accept lunch from a restricted donor, even if they are personal friends. Questions concerning *Code* Chapter 68B may be directed to the Iowa Ethics and Campaign Disclosure Board at (515) 281-3489. The board's advice can act as a defense if a complaint is filed with the county attorney's office alleging a violation of the ethics laws.

League Information

The Iowa League of Cities is a nonprofit association of city governments in Iowa. The League provides a variety of information and services to its members.

Municipal Leadership Academy

New city officials shouldn't miss the League's Municipal Leadership Academy (MLA). This intensive, four-part series gives new leaders the tools they need to succeed in public office. Tailored to newly elected officials, the League's Municipal Leadership Academy prepares attendees for participation in city government and covers everything from council meeting procedures to city budgets and legal issues particular to city officials.

Web Site

The League's Web site, www.iowaleague.org, is an excellent resource for cities. It contains legislative information, frequently asked questions, a database of grants, a calendar of events, and information on workshops and League publications. Contact information for League staff and links to state agencies, the *Code of Iowa* and other useful sites are also available.



Technical Assistance

Once a city official takes office, the Iowa League of Cities will provide assistance by answering questions and providing information. Membership services staff is available to answer questions from cities of all sizes facing a variety of challenges.

Ongoing Training

The League holds a variety of training events throughout the year. Annual workshops cover city budgets, issues facing small cities and a variety of other topics. Each fall, the League holds an annual conference offering the most current, relevant information to city officials.

Advocacy

League staff advocates city policy positions to members of the Iowa Legislature, and monitors federal issues. League publications help local officials stay on top of important issues, making them informed voices when speaking to legislators. The *City Voices* email list is another valuable tool for sharpening advocacy skills. The League's annual Legislative Day invites city officials to the capitol to meet legislators after receiving an update on key issues.

Publications

The League provides a variety of publications to cities. Cityscape is a monthly magazine with articles designed to inform and educate city officials. During the legislative session, the League sends electronically a weekly Legislative Link email with the latest legislative information. A biennial *Directory of Cities* in Iowa, a municipal salary and benefits survey and a budget report are also distributed to member cities.

Success begins with you

Registering for the League's Municipal Leadership Academy (MLA) is one of the most important steps you, as a new city official, can take. Designed for newly elected officials, this four-part series with the convenience of many workshop destinations prepares its graduates for success.

Watch the mailbox at city hall for brochures containing all of the details, or check out www.iowaleague.org.

MLA Sessions

Part I

- Sat. Nov 21, 2009 (Fairfield)
Best Western Fairfield Inn
- Thur. Dec 3, 2009 (Atlantic)
Cass County Community Center
- Sat. Dec 5, 2009 (Mason City)
Holiday Inn Mason City
- Thur. Dec 10, 2009 (Storm Lake)
Kings Pointe Waterpark Resort
- Sat. Dec 12, 2009 (Johnston)
Stoney Creek Inn
- Thur. Dec 17, 2009 (Independence)
Heartland Acres Agribition Center

Part II

- It will occur on Thur. January 7, 2010.

Part III

- Thur. April 8, 2010 (Corning)
Corning Community Center
- Sat. April 10, 2010 (Algona)
PrimeTime Restaurant
- Thur. April 15, 2010 (Denison)
Boulders Conference Center
- Sat. April 17, 2010 (Iowa City)
Quality Inn & Suites
- Thur. April 22, 2010 (Waterloo)
Waterloo Center for the Arts
- Sat. April 24, 2010 (Johnston)
Hilton Garden Inn Des Moines/Urbandale

